

EXHIBIT

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

MADISEN ULRICH, an individual,

Plaintiff,

v.

**319 BRAGG STUDENT HOUSING
AUBURN AL LLC, et al.**

Defendants.

Civil Case No.: 3:20-cv-1018-RAH-SRW

**PLAINTIFF'S EVIDENTIARY SUBMISSION IN SUPPORT OF HER STATEMENT OF ADDITIONAL
UNDISPUTED MATERIAL FACTS AND HER BRIEF IN OPPOSITION TO
CSX TRANSPORTATION, INC.'S MOTION FOR SUMMARY JUDGMENT AND BRIEF**

Plaintiff Madisen Ulrich, ("Plaintiff"), by and through her counsel, submits the following evidentiary exhibits in support of her brief in opposition to CSX Transportation, Inc's ("CSXT") motion for summary judgment and brief:

Exhibit 1: Declaration of Madisen Ulrich

Exhibit 2: PIX000001-000006, 000008-000009, 000017-000023 (from Plaintiff's Rule 26 Disclosures)

Exhibit 3: Greystar General Liability Incident Report (Bragg 17-18)

Exhibit 4: Photos produced by CSX (DSC02012-02013)

Exhibit 5: Affidavit of Brandon Ogden

Exhibit 6: PSCC Incident Report 8362821 (CSXTDocProd.04-14-21.000499)

Exhibit 7: Photos produced by CSX (DSC02004-02011)

Exhibit 8: CSX Daily Track Inspection Report (CSXTDocProd.04-14-21.000580-000611); CSX Highway Grade Crossing Tests & Inspections (CSXTDocProd.04-14-21.000612-000650)

Exhibit 9: CSXTDocProd.04-14-21.000001-000012; 000016-000020)

Exhibit 10: “ROW Fatality and Trespass Reduction Workshop” (2008)¹

Exhibit 11: “Railroad Infrastructure Trespass Detection Performance Guidelines” (January 2011)

Exhibit 12: Federal Railroad Administration “Report to Congress - National Strategy to Prevent Trespassing on Railroad Property” (October 2018)

Exhibit 13: “2012 ROW Fatality & Trespass Prevention Workshop” (August 2012)

Exhibit 14: “Federal Railroad Administration Railroad Trespassing Fact Sheet” (February 2013)

Exhibit 15: “Trespass Prevention Research Study - West Palm Beach, FL” (July 2014)

Exhibit 16: “Trespass Event Risk Factors” (November 2014)

Exhibit 17: “Countermeasures to Mitigate Intentional Deaths on Railroad Rights-of-Way: Lessons Learned and Next Steps” (November 2014)

Exhibit 18: “2015 Right-of-Way Fatality and Trespass Prevention Workshop”

Exhibit 19: “CSX Public Project Information” (August 2020)

Exhibit 20: Declaration of Tonya Ulrich

Exhibit 21: “CSX Employee Operating Manual” (April 2017) (CSXTDocProd.04-21.000023, 000035, 000037, 000043)

Exhibit 22: “CSX Consolidated Alabama Casualty Reports”

Exhibit 23: Alabama Uniform Incident/Offense Report from Auburn Police Division

Dated: May 20, 2021

Respectfully submitted,

MADISEN ULRICH

By: /s/ Nick Wooten
Nick Wooten

¹ *With reference to Exhibits 10-18:* The Court may consider the exhibits published by the FRA as exceptions to the Rule against Hearsay under Rule 803(6) or Rule 807 of the Federal Rules of Evidence. The Court may also consider those exhibits by taking judicial notice of the exhibits pursuant to FRE 201(b)(2) because the contents of the publications can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. The materials are also offered to show notice and knowledge under Rule 404(b)(2).

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CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2021 that I caused the foregoing **PLAINTIFF'S EVIDENTIARY SUBMISSION IN SUPPORT OF HER STATEMENT OF ADDITIONAL UNDISPUTED MATERIAL FACTS AND HER BRIEF IN OPPOSITION TO CSX TRANSPORTATION, INC.'S MOTION FOR SUMMARY JUDGMENT AND BRIEF** to be served upon all parties and counsel of record, via the Court's CM/ECF system.

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